

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	)	
	)	
John Stahl	)	Case No. 20-20772-GLT
	)	
Debtor/Plaintiff	)	
-----	)	
John Stahl	)	Chapter 13
Plaintiff/Debtor	)	Filed under local Bankr.
v.	)	Rule 3012
	)	Adversary No. ____
	)	
CARVANA, LLC	)	
Defendant/creditor.	)	
	)	
	)	

**DEBTOR'S COMPLAINT IN ADVERSARY PROCEEDING PURSUANT TO 11 USC 506(a)  
AND BANKRUPTCY RULE 3012 TO DETERMINE THE VALUE OF SECURITY AND  
CREDITOR'S ALLOWED SECURED CLAIM**

The Debtor(s), John Stahl, by and through his/ her / their attorney, Russell A. Burdelski, Esquire requests that this Court, pursuant to 11 USC 506(a) and Bankruptcy Rule 3012 determine the value of the interest of CARVANA, LLC in the Debtor's vehicle which is a 2016 Jeep Patriot and determine the amount of CARVANA, LLC's allowed secured claim. In support of this complaint the debtor(s) states as follows:

1. The Debtor filed the instant voluntary petition under Chapter 13 of the Bankruptcy code on 2/29/20.
2. The Court has jurisdiction over this proceeding pursuant to 28 USC 1334 and 157(b)(2)(K). This is a core proceeding.
3. At this present time the retail value of the Debtor's interest in the vehicle which is a 2016 Jeep Patriot was and is approximately \$15,107.47 due to the age and wear and tear on the Vehicle. Furthermore, the amount of the claim is reinforced by the objection to claim filed by counsel for Carvana which clearly states that the amount of the claim is \$15107.47 and not \$22,080.00(see attached exhibit).
4. The Debtor's interest in the 2016 Jeep Patriot is subject to a lien arising out of a security interest in the amount of over \$22,080.00 in favor of CARVANA, LLC(the defendant herein).

5. The value of the interest of CARVANA, LLC in the vehicle which is a 2016 Jeep Patriot is no more than \$15,107.47.
6. Pursuant to 11 USC 506(a), the allowable secured claim of CARVANA, LLC is no more than \$15,107.47
7. The balance of any claim of CARVANA, LLC is allowable only as an unsecured claim.
8. The Debtor does consent to entry of final Orders or Judgment by the Bankruptcy Court.

**WHEREFORE** the Debtor(s) pray(s) this Honorable Court to:

- a. Value the interest of CARVANA, LLC in the vehicle which is a 2016 Jeep Patriot at \$15,107.47
- b. Determine the allowed secured claim of CARVANA, LLC in the vehicle which is a 2016 Jeep Patriot to be \$15,107.47 pursuant to 11 USC 506(a) with the balance allowed as an unsecured claim only and to be paid as such only if of CARVANA, LLC timely files a claim.
- c. Grant such other relief as may be necessary and proper under the law.

Respectfully submitted,

BURDELSKI LAW OFFICES

DATE December 18, 2020

/s/Russell A. Burdelski, Esquire

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